

Rajesh Bhandari Vs. Raman Bhandari

14.10.2025

Present: Sh. Deepak Vohra, Id. counsel for the plaintiff through VC
Sh. Rakesh Kumar Sharma and Sh. Abhishek Sharma,
Id. counsels for the defendant.

Arguments heard on application filed under order 7 rule 11 CPC from both Id. counsels for the parties.

Ld. counsel for the defendant submits that the plaintiff has limitation period of 3 years for challenging the Relinquishment Deed dated 14.02.2020 and the said Relinquishment Deed came into the knowledge of plaintiff on 14.02.2020 itself.

On asking of the court, Id. counsel for the defendant submits that if the relief of plaintiff seeking of cancellation of Relinquishment deed is discarded even then plaintiff has still right in the suit properties.

The present suit has been filed for declaration, partition and injunction. The plaintiff has clearly mentioned in para no. 28 of the plaint about cause of action arose to him for filing the present suit. It is settled law that the plaint cannot be rejected in part.

The plaint of the suit cannot be rejected if one of the reliefs of the plaintiff is barred by law. Order 2 rule 2 CPC also does not apply for deciding application filed u/o 7 rule 11 CPC.

In view of the above said facts, this court does not find any merit in the application filed u/o 7 rule 11 CPC and the same stands dismissed.